

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

CHRISTOPHER STEVEN WESMAN,

Case No. 6:16-cv-01222-JR

Plaintiff,

ORDER

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

AIKEN, District Judge:

Magistrate Judge Jolie Russo filed her Findings and Recommendation (“F&R”) on 2/21/2018 (doc. 16) recommending that the decision of the Commissioner be reversed and remanded for further proceedings. The matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). No objections have been timely filed. Although this relieves me of my obligation to perform a *de novo* review, I retain the obligation to “make an informed, final decision.” *Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), *overruled on other grounds*, *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). The Magistrates Act does not specify a standard of review in cases where no objections are filed. *Ray v. Astrue*, 2012 WL 1598239, *1 (D. Or. May 7, 2012). Following the

recommendation of the Rules Advisory Committee, I review the F&R for “clear error on the face of the record[.]” Fed. R. Civ. P. 72 advisory committee’s note (1983) (citing *Campbell v. United States District Court*, 501 F.2d 196, 206 (9th Cir. 1974)); see also *United States v. Vonn*, 535 U.S. 55, 64 n.6 (2002) (stating that, “[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of” a federal rule). Having reviewed the file of this case, I find no clear error.

Thus, I adopt Magistrate Judge Russo’s F&R (doc. 16) in its entirety. Accordingly, the decision of the Commissioner is REVERSED and REMANDED for an immediate payment of benefits. This case is DISMISSED.

IT IS SO ORDERED.

Dated this 9th day of March, 2018.

A handwritten signature in black ink, appearing to read "Ann Aiken", written in a cursive style.

Ann Aiken
United States District Judge